

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

|                           |   |                               |
|---------------------------|---|-------------------------------|
| United States of America, | ) | No. CR 04-01221-PHX-NVW       |
| Plaintiff/Respondent,     | ) | No. CV 06-00652-PHX-NVW (ECV) |
| vs.                       | ) | <b>ORDER</b>                  |
| Carlos Alonso-Rodriguez,  | ) |                               |
| Defendant/Movant.         | ) |                               |

Before the court is Defendant's *pro se* Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (doc. # 24) and the Government's Response (doc. # 28). No reply was filed. On November 20, 2006, United States Magistrate Judge Edward C. Voss issued a Report and Recommendation ("R & R") (doc. # 29) recommending that the defendant's Motion to Vacate, Set Aside or Correct Sentence be denied. No objections to the R & R were filed.


The court has reviewed the R & R and agrees with the magistrate judge's determinations. Accordingly, the court will accept the R & R and dismiss the Motion to Vacate, Set Aside or Correct Sentence. *See* 28 U.S.C. § 636(b)(1) (stating that the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge").

IT IS THEREFORE ORDERED accepting the Report and Recommendation of Magistrate Judge Voss (doc. # 29).

1 IT IS FURTHER ORDERED that Defendant's *pro se* Motion under 28 U.S.C. § 2255  
2 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (doc. # 24) is  
3 denied and dismissed with prejudice.

4 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment  
5 accordingly and terminate this action.

6 DATED this 8<sup>th</sup> day of January 2007.

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11 Neil V. Wake  
12 United States District Judge  
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